

From: [Sallan, Vincent C.](#)
To: [MDOS-Carvassers](#); [Fracassi, Adam \(MDOS\)](#)
Cc: [Trebilcock, Christopher M.](#)
Subject: In re Petition Filed by Secure MI Vote - Protect MI Vote's Public Comment and Suggested Summary Language
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[PMV's Suggested Language.pdf](#)
Importance: High

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To Whom It May Concern/Mr. Fracassi:

This firm represents the ballot question committee Protect MI Vote ("PMV"). We attach *PMV's Public Comment and Revisions to Summary* and *PMV's Suggested Language*.

Kindly confirm receipt of this email and the accompanying materials at your earliest convenience.

Best regards,

Vince

Vincent C. Sallan

Attorney at Law

Clark Hill

500 Woodward Avenue, Suite 3500, Detroit, MI 48226

+1 313.965.8245 (office) | +1 248.224.2318 (cell) | +1 313.965.8252 (fax)

vsallan@clarkhill.com | www.clarkhill.com

**PROTECT MI VOTE'S SUGGESTED
SUMMARY LANGUAGE REGARDING SECURE MI VOTE'S PETITION**

An initiation of legislation changing Michigan's current voting laws, and changing ballot counting rules: requiring that elections officials capture Social Security information on voter registration forms; eliminating options for registered voters on types of identity verification that may be used; requiring registered voters without their ID appear at clerk's office within 6 days or else their vote won't count; prohibiting elections officials from providing absentee applications to registered voters without a formal request; requiring military and absentee voters to include personally identifying information with absentee applications; banning charitable donations for elections and increasing election costs, including \$3 million from taxpayers.

**STATE OF MICHIGAN
BOARD OF STATE CANVASSERS**

In re Petition Filed
by Secure MI Vote

Christopher M. Trebilcock (P62101)
Vincent C. Sallan (P79888)
CLARK HILL PLC
500 Woodward Ave., Ste. 500
Detroit, MI 48226
313.365.8300
ctrebilcock@clarkhill.com
vsallan@clarkhill.com

Attorneys for Protect MI Vote

**PROTECT MI VOTE’S PUBLIC COMMENTS AND SUGGESTED
SUMMARY LANGUAGE REGARDING SECURE MI VOTE’S PETITION**

INTRODUCTION

Michigan already has a voting system Americans can be proud of and this proposal seeks unnecessary changes that will cost taxpayers millions of dollars and make it harder to count eligible votes. It requires election officials to handle sensitive information about voters’ identities – their social security numbers – without specifying how the state will prevent identity theft. While the measure seeks to change Michigan’s photo identification requirement, the proponents neglect to clarify that Michigan already has a secure system and the proponents fail to consider the additional (and costly) security and voter access measures that will be needed by these complex changes to identification standards. The measure changes the way votes cast by eligible Michiganders are counted, without identifying where funds will come from to pay for the changes or why the changes are necessary. Critically, the proposal seeks to prevent election workers from helping voters sign up to vote absentee, which will also increase the costs of election administration.

Finally, the measure seeks to prevent the state and local governments from accepting charitable funding grants. These changes will create significant costs for election administrators and impose an undue burden on eligible voters, all while seeking to fix a system that isn't broken. While Secure MI Vote's ("SMV") proposed ballot summary obscures these facts, Protect MI Vote's ("PMV") proposed alternative ballot language accurately and fairly reflects what this measure will do if enacted.

Voting rights should never be a contentious issue. Yet, in the leadup to the November 2020 election and since then, there has been an overtly partisan assault on election administration. Michigan voters want a system that is secure, accurate, fair, and one that supports the hard work of the public servants that administer elections. In no state, including Michigan, has any credible evidence been produced substantiating any part of this claim. In fact, the 2020 election has arguably been the most thoroughly reviewed, recounted, and audited election in U.S. history with a consistent finding that the election was conducted securely and fairly, despite the challenges of administering an election in a pandemic.

The conclusion was reached in Michigan, in the face of heavy pressure to make false findings. Republican Michigan Senator Ed McBroom and the Michigan Senate Oversight Committee (with a single Democratic member) investigated the 2020 election result and found no evidence of fraud in Michigan:

[T]here is no evidence presented at this time to prove either significant acts of fraud or that an organized, wide-scale effort to commit fraudulent activity was perpetrated in order to subvert the will of Michigan voters. [McBroom, *et al.*, Report on the November 2020 Election in Michigan, Michigan Senate Oversight Committee, at p. 6 (released June 23, 2021) (**Exhibit 1**).]

* * *

The Committee can confidently assert that it has been thorough in examination of numerous allegations of unlawful actions, improper procedures, fraud, vote theft, or any other description which would cause citizens to doubt the integrity of Michigan's 2020 election results. Our clear finding is that citizens should be confident the results represent the true results of the ballots cast by the people of Michigan. The Committee strongly recommends citizens use a critical eye and ear toward those who have pushed demonstrably false theories for their own personal gain. [*Id.* at 35.]

Despite the conclusion that there is no evidence of significant or organized fraud, the Republican members of the Michigan Senate filed 39 bills to rewrite the state's election laws. These bills were widely criticized as making voting more difficult. Boucher and Hendrickson, *Michigan GOP senators file 39 election reform bills Democrats call racist, based on lies*, DETROIT FREE PRESS (Mar. 24, 2021) (**Exhibit 2**). The proposals included new identification requirements for requesting absentee ballots, prohibiting the Secretary of State from making absentee ballot applications available online, banning local clerks from supplying prepaid return postage for absentee ballots, barring local clerks from counting absentee ballots in the weeks leading up to the election, and imposing new requirements for ballot drop boxes. *Id.*

Believing that Governor Whitmer would veto the aforementioned election bills, Ron Weiser, Michigan Republican Party Chairman, announced that the GOP and its allies would circumvent the Governor's anticipated veto through a ballot petition initiative drive. *See* Mauger, *Michigan GOP leader reveals plans to go around Whitmer for voting law overhaul*, THE DETROIT NEWS (Mar. 26, 2021) (**Exhibit 3**). To date, Governor Whitmer has not had an opportunity to sign or veto any election bills because the GOP controlled legislature has failed to come to agreement on any changes and send them to the governor's desk. Weiser's cabal, in coordination with national political operatives loyal to former President Trump, is now active in Michigan.

On or around September 2, 2021, the ballot committee SMV filed a petition allegedly to “protect the right to vote and increase confidence in the conduct of elections” by amending the Michigan Election Law in a host of ways. The amendments and new provisions added by the proposed initiative do the exact opposite of the stated purpose. They limit acceptable forms of identification for voting; require voters without acceptable forms of identification to return to the clerk’s office within six days or else have their vote not counted; require the submission of personally identifiable information from military and absentee voters without safeguards; prohibit election officials from making absentee ballot applications available to voters without a specific request (potentially endangering permanent absent voter application lists); increase election administration costs on multiple fronts, including spending \$3,000,000 in taxpayer money; and ban municipalities or jurisdictions conducting elections from accepting charitable funding from non-taxpayers even if the intended purpose of those is to increase election security and assist with election administration costs. The non-profit sources targeted by this law allowed our democracy to operate smoothly and securely during unprecedented voter turnout in the midst of a global pandemic.

Far from protecting the right to vote, SMV’s proposed petition will actually deny, dilute, and defile the right to vote for thousands of Michiganders by making access to the ballot more difficult. What is more, the idea that Michigan’s election system is in need of the proposed amendments and new requirements is wholly manufactured by SMV, the Republican Party (both at the national and state level), and by members of the media. The proposal ignores that Michigan already has a voter identification requirement on the books. *See* MCL 168.523. Michigan’s current voter identification requirements work, ensuring that each voter’s identity is verified. The existing law has prevented any large-scale fraud suggested by SMV without imposing an undue

burden on any voters or election administrators. In its place, SMV erects an unnecessary and complex system of identification that requires voters to provide photo identification on election day or else vote a provisional ballot, which strangely can be cured with non-photo identification. By contrast, voters voting early through in-person absent voter ballots or casting ballots by mail can use non-photo ID, including a driver's license number or a portion of their social security number. This system is irrational, needlessly confusing, and will result in eligible voters having their ballots rejected.

In sum, SMV's proposed petition is not warranted by the realities on the ground. Michigan's current voter identification system works incredibly well and this petition is nothing more than a ruse, along with racial and political gerrymandering efforts, to rig the system in an attempt to keep legislative power in the hand of the Republican Party, which is garnering a smaller and smaller share of the vote in each passing election, by suppressing the vote and voice of Michiganders.

But beyond this proposal being unnecessary, complex, and actually harmful to Michiganders, the proposed summary of this radical attempt at restricting access to the ballot box is untrue, inaccurate, and biased, in direct conflict with what Michigan Election Law requires. As drafted, the summary fails to apprise signers of the subject matter of the proposal and its effects, and fails to provide a true and impartial statement of the purpose of the amendment. The summary submitted by SMV is also written in bureaucratic jargon instead of common everyday words, and fails to disclose the proposal's serious threat to the right to vote. The summary should be rejected in favor of the alternative summary proposed by PMV, which is true, impartial, written in everyday language, and discloses the serious effects of the proposal if enacted.

THE LEGAL STANDARDS GOVERNING PETITION SUMMARIES

The Michigan Election Law sets forth the standards that a summary of a petition must meet before it is circulated:

- (b) The summary is limited to not more than 100 words and must consist of a true and impartial statement of the purpose of the proposed amendment or question proposed in language that does not create prejudice for or against the proposed amendment or question proposed.
- (c) The summary must be worded so as to apprise the petition signers of the subject matter of the proposed amendment or question proposed, but does not need to be legally precise.
- (d) The summary must be clearly written using words that have a common everyday meaning to the general public.

MCL 168.482b(2)(b)–(d). The standards used in MCL 168.482b are taken from several other statutes that have long governed the preparation of ballot summaries for proposals in Michigan. *Compare* MCL 168.482b with MCL 168.32(2), 168.85, and 168.643a.

A review of past summaries prepared by the Director and approved by the Board demonstrates that a true and impartial statement of the purpose of a ballot proposal includes advising electors of the effect of the proposed amendments or changes to law. For example, the summary for 2018 Proposal 1 stated that the proposal would:

- *Change several current violations from crimes to civil infractions.*

(emphasis added). The ballot summary for 2012 Proposal 2 repeatedly stated how other laws would be affected, including future laws:

The proposal would:

- Grant public and private employees the *constitutional right to organize and bargain collectively* through labor unions.
- *Invalidate existing or future state or local laws* that limit the ability to joint unions and bargain collectively, and to negotiate and enforce collective bargaining agreements, including

employees' financial support of their labor unions. Laws may be enacted to prohibit public employees from striking.

- *Override state laws that regulate hours and conditions of employment to the extent that those laws conflict with collective bargaining agreements.*

(emphases added). Similarly, the ballot summary for 2012 Proposal 4 was clear on the proposal's impact on current laws:

This proposal would:

- *Allow in-home care workers to bargain collectively with the Michigan Quality Home Care Council (MQHCC). Continue the current exclusive representative of in-home care workers until modified in accordance with labor laws.*

(emphases added). These are but a few of the examples from over the decades of ballot summaries prepared by the Director and approved by the Board under the same standards as MCL 168.482b. Board precedent is well-established that the effects of a proposal must be disclosed in a summary. As such, any summary that does not fairly and accurately describe the effects of the proposal on the current standards fails to meet the minimum standards required by Michigan law.

THE PROPOSED SUMMARY VIOLATES THE STANDARDS OF MCL 168.482B

I. The Proposed Summary is Not True and Impartial.

The proposed summary repeatedly uses terms that are neither true nor impartial, in violation of MCL 168.482(2)(b).

The notion that this proposal would “protect the right to vote and increase confidence in the conduct of elections” is false and misleading given the actual effect of the amended and new provisions SMV seeks to insert into the Michigan Election Law. *See, e.g., Oosting, We read all Michigan election reform bills. Many would add hurdles to voting*, BRIDGE MICHIGAN (Apr. 9, 2021) (“Michigan Republicans say they want to make it ‘easier to vote and harder to cheat’ with a

sweeping election reform package. In fact, many of the bills would make it harder to vote and address ‘fraud’ that experts say is incredibly rare.”) (**Exhibit 4**). Indeed, the amendments included in this proposal, including making in-person voters provide photo identification, would actually decrease access to the ballot for minority voters, who are less likely to possess photo identification cards. *See, e.g.,* John Kuk, Zoltan Hajnal & Nazita Lajevardi, *A Disproportionate Burden: Strict Voter Identification Laws and Minority Turnout*, Politics, Groups, and Identities (2020) (finds that turnout gap between white and minority counties grew more in states that enacted strict photo identification laws than states that did not; indeed, relative to turnout in mostly White counties, turnout in counties with a 75% non-White population declines 1.5 points more in states with strict photo identification laws than in states that did not implement such laws) (**Exhibit 5**); Matt Barreto, Stephen Nuno, Gabriel Sanchez, and Hannah Walker, *The Racial Implications of Voter Identification Laws in America*, 47 American Politics Research 1–12 (2019) (controlling for other factors, Black and Latino populations are ~5% less likely to have identification cards than white populations) (**Exhibit 6**). Thus, it is neither true nor impartial to describe this proposal as “protect[ing] the right to vote.”

Similarly, the description that this proposal “requir[es] photo identification before casting a ballot” is plainly inaccurate. Under the terms of this proposal, photo identification is only asked of voters casting a ballot on Election Day. Voters casting an absent voter ballot, whether in-person or by mail, are not required to provide photo identification, and can instead provide a driver’s license number or a portion of their social security number. Similarly, even voters who do not provide photo identification at the polls can still receive and vote a provisional ballot without providing photo identification; later validating their provisional ballot with non-photo identification, such as a birth certificate and a utility bill. This initiative thus hardly “requir[es]

photo identification before casting a ballot.” This identification system can more accurately be described as creating a complex, burdensome, and needlessly confusing identification regime that demands photo identification from some voters at the polls, only to let them provide non-photo identification at the clerk’s office within six days of the election if they have the time and resources. Indeed, this nonsensical system can hardly “increase confidence in the conduct of elections” as SMV’s proposed summary claims.

The summary also omits that Michigan already has a voter identification law in place. *See* MCL 168.523 (“at each election, before being given a ballot, each registered elector offering to vote must identify himself or herself by presenting identification for election purposes, and by executing an application, on a form prescribed by the secretary of state”). The summary makes it seem as though no such law or requirement is in place, which is simply not true, and could potentially deceive voters.

The falsehoods do not end there. The summary description of the “voter access fund” is inaccurate. While the summary claims that the new law would “provid[e] free photo identification to anyone needing it to vote,” the description of the voter access fund describes a system to be created where individual Michiganders may make claims of hardship while seeking to secure a photo identification. Provided sufficient funds have been appropriated by the legislature, the fees required for photo identification may be considered to be paid. This is not a system where “anyone” who needs photo identification will receive one for “free.” It is a system where some individuals who are aware of a specific service may access it, but may also find additional administrative or bureaucratic burdens.

Likewise, not only is the use of the phrase “special interests” unintelligible jargon, given the negative connotations associated with the phrase “special interests,” the summary creates

“prejudice for . . . the proposed amendment or question proposed” and is not “impartial” in violation of MCL 168.482b(2)(b). This choice of words is emblematic of the effort to deceive and mislead the Michigan public that must be corrected by eliminating it from any summary.

II. The Proposed Summary Fails to Explain the Subject Matter And Purpose of the Initiative.

The proposed summary also omits numerous provisions in the initiative, failing to “apprise the petition signers of the subject matter of the proposed amendment,” and inaccurately describing the “purpose of the proposed amendment,” contrary to decades of Board practice and the mandates of MCL 168.482b. *See* MCL 168.482b(2)(c).¹ Indeed, the proposed petition summary also fails to disclose or even reference numerous key effects and changes that would ensue if the initiative petition secures the requisite number of signatures:

¹ A ballot summary can be untruthful or lack impartiality through affirmative misrepresentations, or through omission. *See, e.g., Conway v Martin*, 499 SW3d 209, 212; 2016 Ark 322 (Ark 2016) (a summary of an initiated act must be free from any misleading tendency, whether of amplification, of omission, or of fallacy, and it must not be tinged with partisan coloring); *State ex rel Schuck v City of Columbus*, 152 Ohio St 3d 590, 594-95; 2018-Ohio-1428; 99 NE3d 383 (Ohio 2018) (summary of a ballot initiative must inform and protect the voter and presupposes a condensed text which is fair, honest, clear and complete, and from which no essential part of the proposed amendment is omitted); *Sedey v Ashcroft*, 594 SW3d 256, 263 (Mo Ct App 2020) (when drafting summary statements under statute governing petitions for ballot initiatives for constitutional amendments, the Secretary of State should accurately reflect the legal and probable effects of the proposed amendment); *Hopkins v Rosenblum*, 460 P3d 503, 506; 366 Or 239 (Or 2020) (a ballot summary may be inaccurate because it is underinclusive by identifying the subject matter of a measure by mentioning only some of its aspects, while leaving other, major aspects of the measure unmentioned); *Advisory Op to Attorney Gen re Right to Competitive Energy Mkt for Customers of Investor-Owned Utils*, 287 So3d 1256, 1260 (Fla 2020) (ballot language may be clearly and conclusively defective, in violation of statutory requirements, either in an affirmative sense, because it misleads the voters as to the material effects of the proposed amendment, or in a negative sense by failing to inform the voters of those material effects); *Burgess v Alaska Lieutenant Governor*, 654 P2d 273, 275 (Alaska 1982) (a summary must be complete enough to convey an intelligible idea of the scope and import of the proposed law, and that it ought to be free from any misleading tendency, whether of amplification, of omission, or of fallacy, and that it must contain no partisan coloring).

Section 495: Section 495 would now require voter registration applications to contain the applicant’s social security number, which has never been required before. Additionally, while requiring Michigan electors to submit their social security numbers, the proposal creates no safeguards for that information. The proposed summary fails to even mention this significant change. Section 495 also likely violates both the Michigan Constitution and federal law by shifting eligibility requirements to register to vote, a fact that Michigan voters deserve to know.

Section 523: Section 523 eliminates the affidavit option for individuals without acceptable photo identification and would change the current system whereby individuals without acceptable photo identification (or without photo identification at all) would be offered an “ID-only provisional ballot.” Under the new regime, ID-only provisional ballot voters would then have six days to go to the clerk and present photo or non-photo identification to have their ballot counted. Previously, an individual could simply sign an affidavit attesting to their identity if they did not have photo identification and cast their vote that same day. The proposed summary makes no mention of this change, and instead uses the inaccurate description that the proposal “requir[es] photo identification before casting a ballot.”

Section 523b: Section 523b creates a “voter access fund,” which can only be funded with taxpayer money. This is an entirely new mandated budget item that voters should and must be made aware but that goes unmentioned in the proposed summary. Under the proposed initiative, \$3,000,000 in taxpayer funds would be appropriated to the voter access fund during the 2022 state fiscal year and undefined amounts would presumably be required thereafter. Voters are not informed that any taxpayer money is being appropriated by this proposal, omitting a key component of the subject matter of the proposal

Section 759: The summary makes no mention of Section 759’s prohibition on the Secretary of State, clerks, and all state and local employees from sending “or providing access” to an absentee ballot application unless the person has requested an application.² This section potentially casts doubt on clerks’ ability to maintain a permanent absent voter list, but this issue goes completely unmentioned in the proposed summary. The summary also omits any notice that election officials would also be prohibited from sending or providing an absentee ballot unless the person has submitted an absentee ballot application, as well as the proposed change that an application for an absentee ballot related to a primary is only good for the primary and the election that immediately follows, meaning people wishing to vote absentee must renew their request more frequently.

The proposed summary also fails to mention that Section 759 makes applying for an absentee ballot more cumbersome by requiring that individuals must provide one of the following: their driver’s license number; their state identification card number; the last four digits of their social security number; or an original (or copy) of their photo identification card as specified in the statute. Additionally, the summary fails to disclose that applicants who do not provide photo identification must be issued a provisional absent voter ballot, which must be verified by the 6th day after the election, either by providing a piece of photo identification or specified non-photo identification.

Section 759a and Section 759b: The proposed summary also omits any mention of increased absentee ballot identification requirements for military and overseas voters and emergency absentee ballot applications, along with new requirements that they provide their

² It is unclear whether the prohibition on “providing access to” an absentee ballot application without a request would require significant and costly revisions to the online request portal.

driver's license numbers, photo identification numbers, or social security numbers on the application.

Section 760A: The proposed summary also fails to disclose that clerks will now have access to Department of State data on all voters' social security numbers and driver's license numbers, with no safeguards required to protect this information. The proposed summary thus fails to apprise voters of likely extremely pertinent information regarding their personally identifying information and privacy.

Section 761: The proposal fails to mention that in-person absentee voters are not required to provide photo identification and instead must provide their driver's license number, state identification number, or social security number to avoid being issued a provisional absentee ballot. This omission further reinforces that the proposed summary's statement that it is "requiring photo identification before casting a ballot" is inaccurate and deceptive.

Section 813: The proposal fails to make any mention that it is changing ballot counting rules by providing new rules for validating provisional ballots. Under this section, if a provisional ballot is determined to be eligible, the clerk shall send it to the board of county canvassers for tabulation within seven days of the election, and the board of county canvassers must maintain the secrecy of the ballot when tabulating provisional ballot. The Secretary of State must also promulgate rules for board of county canvassers to tabulate provisional ballots.

Section 946: The proposed summary's description of the ban on outside funding is plainly inadequate to apprise voters of the substance of the proposal. This section requires that Michigan elections must be funded with public money appropriated by the legislature or the jurisdiction conducting the election. Additionally, state and local entities cannot accept or use private funds, in-kind contributions, or other considerations to conduct or administer an election or election-

related activities. As drafted, this could prohibit volunteers from assisting with election offices or local businesses helping feed election staff. Finally, individuals other than the Secretary of State or local election officials cannot direct the conduct or administration of Michigan elections. There is zero evidence that anyone other than the Secretary of State or local election officials have directed the conduct or administration of Michigan elections.

None of this information is contained in the summary. Any summary must inform electors of the hoops and hurdles SMV is erecting to limit the ability of voters to cast their ballots and of election administrators to conduct secure and accessible elections. At bottom, and not so subtly, SMV is “protect[ing] the right to vote” by making it harder to vote.

Finally, on top of all these deficiencies, the summary also does not inform electors that if SMV’s petition receives the requisite number of signatures, SMV intends to simply by-pass both the ballot and Governor Whitmer’s veto by having the Legislature enact these sweeping restrictions of the right to vote. This omitted fact would surely give most pause and cause them to reflect on whether they want to sign the petition.

III. The Proposed Summary Uses Impermissible Jargon Rather Than Clear, Understandable Terms.

The proposal continually uses jargon when simpler “words that have a common everyday meaning to the general public” could have been used. For example, it uses the word “special interests” when “third-parties” could have been used. “Special interests” is political jargon that is ambiguous, susceptible to numerous interpretations, subjective, and a term most people cannot easily or readily define. And if a person is familiar with the term “special interests,” they more than likely have a negative perception of what “special interests” are based on their own political leanings. *See, e.g.,* [Merriam-Webster](#) (defining special interest to mean “a person or group seeking to influence legislative or government policy to further often narrowly defined interests”); *see also*

Pew Research Center, *Beyond Distrust: How Americans View Their Government* (Nov. 23, 2015) (“The influence of special interest money on elected officials tops the list of named problems; 16% say this. Another 11% see elected officials as dishonest or as liars. These concerns are named by similar proportions of Republicans and Democrats.”) (**Exhibit 7**).

As another example of jargon, the summary says that the proposal will “requir[e] photo identification” before an individual would be permitted to cast a ballot. As discussed, above, this is inaccurate, because the proposal will not “require” photo ID, since only individuals voting on Election Day will be asked for photo identification (as opposed to individuals voting in-person before Election Day or individuals voting by mail). Finally, the most egregious example of jargon is contained in the portion of the summary listing out the various provisions of the Michigan Election Law that this proposal would alter and the sections it would add:³

and to protect election integrity by prohibiting special interest funding of elections, by amending Michigan Election Code sections 495, 523, 759, 759a, 759b, 761, 761b, 764b, and 813 (MCL 168.495, MCL 168.523, MCL 168.759, MCL 168.759a, MCL 168.759b, MCL 168.761, MCL 168.761b, MCL 168.764b, and MCL 168.813), and adding sections 523b (MCL 168.523b) 760a (MCL 168.760a) and 946 ((MCL 168.946).

This is precisely the type of legalistic jargon that MCL 168.482b prohibits. Members of the general public asked to sign SVM’s petition on a street corner or outside of a grocery store have no idea what all of these references to various sections of the Michigan Election Law refer to, much less what “MCL” means in this context. And the elimination of these 41 jargon-laden and non-sensical technical, statutory references would provide additional room to tell Michigan electors the effect of this proposed initiation.

³ The summary also erroneously refers to the “Michigan Election Code,” which is not the name or title of the statute being amended. See MCL 168.1 (“Short title; Michigan election law. Sec. 1. This act shall be known and may be cited as the ‘Michigan election law’”). This drafting error is emblematic of the effort to deceive and mislead Michigan voters.

THE ALTERNATIVE SUMMARY CURES THE DEFECTS OF THE PROPOSED SUMMARY AND MEETS THE STATUTORY STANDARDS

PMV proposes an alternative summary, which provides far more accurate information in easy to understand, plain English:

An initiation of legislation changing Michigan's current voting laws, and changing ballot counting rules: requiring that elections officials capture Social Security information on voter registration forms; eliminating options for registered voters on types of identity verification that may be used; requiring registered voters without their ID appear at clerk's office within 6 days or else their vote won't count; prohibiting elections officials from providing absentee applications to registered voters without a formal request; requiring military and absentee voters to include personally identifying information with absentee applications; banning charitable donations for elections and increasing election costs, including \$3 million from taxpayers.

This version makes better use of the 100 words the Michigan Election Law provides for in simpler, easier to understand English.

For example, this version discloses that voters must provide their personally identifiable information in order to register to vote and obtain an absent voter ballot. In these times where identify theft is ever present, electors must be informed that their social security numbers will now be required as part of the voter registration and ballot application process. This summary also more accurately states that the proposal eliminates options for identity verification, and discloses the new requirement that voters who cannot present a valid piece of identification must return within a valid piece of identification within six days in order to have their vote counted. Electors asked to sign this petition should be made aware of this new two-step verification process and the tight timelines to ensure their vote is counted. Electors are also advised that clerks and the Secretary of State cannot proactively provide electors with an absentee voter application. Finally, PMV's summary also discloses the \$3,000,000 allocated to providing identification cards and that

election officials are prohibited from sending absentee ballot applications unless requested by a voter.

While the initiative does much more than that – as outlined above – PMV’s alternative summary fully and accurately discloses to electors the most important and fundamental changes in nearly 70 years to the Michigan Election Law that are most likely to affect electors’ lives and significantly restrict the right to vote. Unlike the proposed summary, this alternative summary accurately describes the subject matter of the proposal using plain and easy to understand language.

CONCLUSION AND RELIEF SOUGHT

For the reasons stated above, the proposed summary should be rejected and the alternative summary adopted.

Respectfully submitted,

CLARK HILL PLC

By: /s/ Christopher M. Trebilcock

Christopher M. Trebilcock (P62101)

Vincent C. Sallan (P79888))

500 Woodward Ave, Ste. 3500

Detroit, MI 48226

(313) 965-8300

ctrebilcock@clarkhill.com

vsallan@clarkhill.com

Attorneys for Protect MI Vote

Date: September 9, 2021

EXHIBIT 1



REPORT ON

THE NOVEMBER 2020 ELECTION

IN MICHIGAN

COMMITTEE MEMBERS

Senator Edward McBroom – Chair

Senator Lana Theis – Majority Vice Chair

Senator Jeff Irwin – Minority Vice Chair

Senator John Bizon

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EXECUTIVE SUMMARY ON **THE NOVEMBER 2020 ELECTION IN MICHIGAN**

Without question, the increased political polarization of our nation has resulted in increasing public discontentment with the administration, and therefore results, of our elections. This discontent, which has been demonstrated on both sides of the aisle (see: Bush v. Gore 2000 and allegations of Russian interference in the 2016 election) culminated in public outcry of widespread fraud in 2020.

Indeed, a recent Gallup Survey found as much as 59% of voters no longer trust our elections. Voting and the right to vote is absolutely foundational to our democracy. Without faith in our elections process, fewer members of the public will likely choose to exercise that right. Lowered confidence in our election system, and thereby lower turnout, is a threat to our democracy we should not take lightly.

Many election administrators and officials have pointed to the fact that unprecedented turnout in 2020 stress-tested our elections system. Still, around 40% of the eligible population did not cast a vote. For a robust democracy, we must invest in and build a system that can withstand ever greater turnout in future elections.

In order to do this, this Committee undertook the foundational work of investigating the 2020 election — from both the perspective of election administrators, officials and workers and the perspective of the observing public. The Committee embarked upon hours of public testimony, the review of countless documents and presentations on the 2020 election, and careful review of the elections process itself.

This Committee found no evidence of widespread or systematic fraud in Michigan's prosecution of the 2020 election. However, we cannot and should not overlook severe weaknesses in our elections system. Whether it is lack of clarity in the tabulation of ballots, unnecessary barriers to ensuring that every lawfully cast ballot is counted, inconsistent poll worker or challenger training, or simply a system not primarily designed to handle ballots cast absentee or otherwise prior to Election Day, it is the opinion of this Committee that the Legislature has a duty to make statutory improvements to our elections system.

This Committee exhausted every resource available to it to thoroughly and faithfully examine our elections process in Michigan and drill down on claims and testimony specific to the 2020 election. However, this investigation should not be considered exhaustive. Remaining conscientious of the limitations of this Committee, every possible investigative avenue was not undertaken. Nevertheless, this Committee stands steadfastly behind the recommendation that our current elections system requires change in order to meet the future challenges presented by modern voting preferences, behaviors, and threats. There are clear weaknesses in our elections system that require legislative remedy.



REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

LETTER FROM THE CHAIR **SENATOR EDWARD McBROOM**

When I agreed to begin investigating the election, rumors and uncertainty were rampant. Allegations of markers bleeding through ballots, voter intimidation, dead voters, mystery ballot dumps, foreign interference, and ballot harvesting were just a few of the issues during the first days following the November 2020 election. Emotions and confusion were running wild across the country. Fears and hopes were had by every person, including myself.

On one hand was the hope some had to overturn the election. That hope was necessarily coupled with a dreadful reality that our elections were unsound. On the other hand was hope the election was accurate, coupled necessarily with those who feared the direction the victor would take the country.

I made it clear at the start that the investigation effort would be taken with a firm commitment to truth and a goal to reassure the citizens of this state that their votes counted. Within a few weeks, the State Board of Canvassers also unanimously requested the Legislature conduct a serious investigation into the election.

I believe the people deserve to know all the truth and to see their representatives seeking answers. People were understandably confused by new laws, practices, orders and determinations from the governor and secretary of state and it is right and proper for them to demand answers. This right and obligation was unfairly and unfortunately discounted by many on my own side of the aisle after the 2016 election when the other party lost and felt sure some illicit or improper actions must have taken place. When they did regain power, they were quick to utilize all of it to spend two years chasing every conspiracy and specious allegation. I pray my own party will not repeat this mistake for the next four years.

Digging into the mechanics of the election was labor intensive, but very revealing. We found both real vulnerabilities and resiliency to the systems. We also discovered the extent to which our elections officials go to facilitate our elections. The report goes into considerable detail on many of these issues and I hope readers will be reassured by the security and protections in place, motivated to support reforms that are needed, and grateful to our fellow citizens that do the hard work.

The greater challenge to this effort has been seeking the truth amid so much distrust and deception. Our present times are full of reasons for citizens to distrust their government, politicians, and leaders. The last year has seen so much amplification of this distrust. Perhaps it has never been more rampant and, certainly, modern communication helps to fan the flames of lies and distrust into an unquenchable conflagration.

“All politicians lie” is the popular axiom. Unfortunately, lies and deceit are not exclusive to politicians. Throughout our investigation, members have been actively following and engaged with various persons and reports. We have collectively spent innumerable hours watching and listening and reading. Some of these people and reports are true. Unfortunately, many of them are not, either because of a misunderstanding or an outright deception. As is often the case, the truth is not as attractive or as immediately desirable as the lies and the lies contain elements of truth.

Regardless of my status as a chairman, senator, politician, Christian, or human, I do not expect or desire my words in this report to be simply accepted. Instead, I ask all to simply put into

(Continued)

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

LETTER FROM THE CHAIR **SENATOR EDWARD McBROOM**

their determinations the same particular guidance all persons ought to consider when weighing evidence. We must all remember: “extraordinary claims require extraordinary proof” and “claiming to find something extraordinary requires first eliminating the ordinary.” Also, sources must lose credibility when it is shown they promote falsehoods, even more when they never take accountability for those falsehoods.

At this point, I feel confident to assert the results of the Michigan election are accurately represented by the certified and audited results. While the Committee was unable to exhaust every possibility, we were able to delve thoroughly into enough to reasonably reach this conclusion. The strongest conclusion comes in regard to Antrim County. All compelling theories that sprang forth from the rumors surrounding Antrim County are diminished so significantly as for it to be a complete waste of time to consider them further.

Most of the rigorous debate over additional audits comes from fears surrounding the technology used and its vulnerabilities as allegedly demonstrated in Antrim County. Without any evidence to validate those fears, another audit, a so-called forensic audit, is not justifiable. Michigan’s already completed post-election audit and risk-limiting audit are also far more substantive than Arizona’s standard audit. However, I am keeping a close eye on the legislatively-initiated forensic audit in Arizona and will continue to ask questions regarding other election issues I feel are not settled. If genuine issues are shown in Arizona’s audit or from continued investigation here, I will not hesitate to ask the Committee to consider recommending an audit or amending this report.

I must acknowledge and thank my staff including Jeff Wiggins and Paul Burns that spent so much of their work and personal time on this report. I also want to thank my current Committee members, along with all of those that participated and served during these hearings last term, including Sens. Lucido, MacDonald, and Santana, as well as Representative Hall and the members of the House Oversight Committee. Staff from those offices, the Senate, and the Committee’s clerk all went above and beyond to facilitate these hearings in very difficult situations and deserve sincere thanks. Finally, as the report says in its conclusion, I want to thank the citizens of this state. Whether or not one agrees with the report or even the conducting of the investigation, those opinions were shared with myself and the Committee. An active and passionate public is critical to maintaining our republic and your participation is reassuring that attribute is alive and well.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed McBroom", with a stylized, flowing script.

Sen. Ed McBroom, Chair

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

I. INTRODUCTION

Beginning on Nov. 7, 2020, the Senate Oversight Committee (the “Committee”) commenced an inquiry into claims of election fraud and impropriety. Chair McBroom made clear that the purpose of this inquiry was not to change the outcome of the election for President of the United States. Rather, the goal of the Committee was to provide elected officials and Michigan residents a better understanding of where the administration of elections can be reformed and strengthened, ensuring that Michigan citizens can have confidence in our election processes. This report contains findings and suggestions developed from 28 hours of testimony from almost 90 individuals spanning nine committee hearings, the review of thousands of pages of subpoenaed documents from multiple government entities, hundreds of hours of Senate staff investigation, and countless reviews of claims and concerns from Michigan residents. A detailed examination of all evidence presented to the Committee established an undeniable conclusion; while there are glaring issues that must be addressed in current Michigan election law, election security, and certain procedures, there is no evidence presented at this time to prove either significant acts of fraud or that an organized, wide-scale effort to commit fraudulent activity was perpetrated in order to subvert the will of Michigan voters.

II. ACTIONS AND OBJECTIVES

The Committee’s primary objective was to produce an informative and actionable report by undertaking the following actions: 1) Investigate claims of impropriety, fraud, error, and mismanagement of certain election processes; 2) Determine whether any of the claims brought forward were substantiated by evidence; and 3) Identify areas of Michigan election law where reform or an updating of the statute may be required in order to ensure transparency and confidence in the election process. The Committee made it clear that first-person accounts reporting alleged improprieties were given higher value as evidence to address these claims, in addition to professional and expert testimony regarding the technical operation of state and local election procedures and vote tabulation.

III. ISSUES AND ALLEGATIONS

- 1. Deceased and Non-Residents Voting**
- 2. Unsolicited Absentee Voter Ballot and Application Mass Mailings**
- 3. 3rd Party/Private Funds Used for Public Election Activities and Equipment**
- 4. Rights and Duties of Poll Challengers/Watchers Improperly and Unlawfully Restricted**
- 5. Antrim County Results**
- 6. Operating Issues with Tabulators and Precinct Computers**
- 7. Signature Verification Process**
- 8. Jurisdictions Reporting More Than 100% Voter Turnout**
- 9. Absentee Ballots Tabulated Multiple Times**
- 10. Thousands of Ballots “Dumped” at the TCF Center on Election Night/The Next Morning**
- 11. Vote Totals Abnormal Compared to Past Presidential Election and Other Vote Count Irregularities**
- 12. Additional Issues**
- 13. Audits**

IV. INVESTIGATION AND FINDINGS

OVERVIEW OF INVESTIGATION

The Committee received many complaints of election fraud throughout the state in the days following the 2020 election. The Committee reviewed these claims through several avenues, including but not limited to the manners outlined below:

- Engaged with local and county election officials to discuss the procedures utilized to administer the election, in addition to confirming certain vote totals where alleged misreporting occurred.
- Researched the claims of deceased individuals having a vote cast in their name by reviewing obituaries, various online databases, social media posts, as well as speaking with individuals who made the claims or were the subject of those claims.
- Called individuals who were said to have received unsolicited absentee ballots through the mail.
- Subpoenaed and reviewed documentation of communications from the secretary of state's office regarding pre-election mailings.
- Subpoenaed and reviewed documents and communications from the Livonia and Detroit city clerks related to election activities and vote tabulation.
- Received testimony from Kent County Clerk Lisa Lyons, Ingham County Clerk Barb Byrum, Lansing City Clerk Chris Swope, and Grand Rapids City Clerk Joel Hondorp, regarding the election processes in their respective municipalities and any reforms they would recommend.
- Received testimony from Antrim County Clerk Sheryl Guy, detailing the events that led to the reporting of incorrect, unofficial vote tallies which cascaded into accusations of vote switching and machine tampering in Antrim County.
- Received many hours of first-hand testimony regarding the events that transpired at the TCF Center on and around Election Day. This testimony was in addition to the more than 200 sworn affidavits submitted by first-hand and second-hand witnesses that were reviewed by the Committee.
- Received testimony from Chris Thomas, the Senior Elections Advisor for the city of Detroit at the time of the November 2020 election and former Michigan state director of elections, who was stationed at the TCF Center.
- Received testimony from Dominion Voting Systems CEO, John Poulus, on the company's role in providing voting equipment to several Michigan municipalities and whether they played a role in the reporting of incorrect results in Antrim County. Testimony was also received from officials representing Dominion competitors, Election Systems & Software (ES&S) and Hart InterCivic regarding those same issues.
- The chair and individual committee members researched additional claims of election fraud or impropriety made by individuals in Michigan and from across the country.

REPORT ON **THE NOVEMBER 2020 ELECTION IN MICHIGAN**

- Received testimony from Republican and Democratic party officials regarding election training for volunteers and workers, and how that training, or lack of, impacted the events at the TCF Center and other polling places.
- Received testimony from Monica Palmer, Chair of the Wayne County Board of Canvassers, on what she experienced during the canvassing process in the 2020 election and how it could be improved.
- Met with other canvassers from around the state to understand their process and receive their observations.
- The chair and individual committee members met with various clerks around the state to discuss problems, allegations, and solutions.
- The chair and committee members spent countless hours watching and reading documentaries, news stories, and presentations regarding election issues.
- The chair and committee members examined the testimony provided by witnesses in front of the House Oversight Committee.
- The chair followed many allegations to specific sources and involved parties to ascertain the veracity or feasibility of such allegations.

REPORT ON THE NOVEMBER 2020 ELECTION IN MICHIGAN

FINDINGS

1. Deceased and Non-Residents Voting

The Committee researched these claims and concluded that most were false. There were two claims of deceased individuals casting votes that were found to be true; one was a clerical error while the other was a timing issue. The Committee concluded that none of these constituted fraudulent election activities or manipulations. The Committee also received claims of citizens who no longer live in the state of Michigan but had allegedly voted in the state's elections. These claims proved to be false upon researching each incident brought to the Committee's attention. An example of some of the claims are detailed below (the names of the individuals have been omitted to respect their privacy).

A widow from the Grand Blanc/Burton area claimed her husband, who passed away in 2013, had voted in the 2020 election. Senate staff searched the state database with the information provided by the individual and were not able to find her husband in the database. This would indicate that he had been removed from the voter database and his identity could not have been used to vote in the 2020 election.

A husband and wife, formerly of Jackson County and now living in Louisiana, claimed they saw documentation online that they had voted in Michigan during the 2020 general election. After researching the claim, it was discovered that they were mailed an absentee ballot application and are still registered to vote in Michigan. However, the state website shows that the local clerk did not receive returned and completed absentee ballot applications in these voters' names.

The Committee was also provided a list of over 200 individuals in Wayne County who were believed to be deceased yet had cast a ballot. A thorough review of individuals on that list showed only two instances where an individual appeared to have voted but was deceased. The first individual was a 118-year-old man whose son has the same name and lives at the same residence. The Committee found there was no fraud in this instance but was instead a clerical error made due to the identical name. The second individual was a 92-year-old woman who died four days before the November 2020 election. Research showed she had submitted her completed absentee ballot prior to the November 2020 election and prior to her death. Notably, research showed the secretary of state and clerks were able to discover and remove approximately 3,500 absentee ballots submitted by voters while they were alive but died before Election Day, which is a commendable accomplishment.

The Committee recommends county clerks be given the ability to assist in removing deceased voters from the Qualified Voter File (QVF). The Committee also recommends the secretary of state research and pursue methods, including statutory changes, that would prevent and identify those voting in multiple states.

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2. Unsolicited Absentee Voter Ballot and Application Mass Mailings

Citizens across the state were left confused and frustrated by the arrival of applications for long deceased family members, those who have moved to other states, or persons never present at that address. It appears the lists chosen by the secretary of state's Bureau of Elections were often older and previously purged. Local clerks were also frustrated as the applications duplicated some of their work and caused citizens to call on them for answers. Finally, the original mailing appeared to be not set up to return to the secretary of state to at least inform them of undeliverable applications.

The Committee subpoenaed the secretary of state for communications related to pre-election mailings. While a court ruled that the Secretary of State was permitted to send these mass mailings, there were significant communications between the department and Rock the Vote, a group which tends to target young persons and those with more left of center political leanings.

During the review of these communications, the Committee was simultaneously researching claims made in testimony and in court filings related to the absentee ballot process. Many court filings and individuals highlighted a data spreadsheet by an individual who claimed to have worked with "experts" to determine whether individuals had received an unsolicited absentee ballot. The spreadsheet indicated that "289,866 illegal votes" had been cast. This figure came from the Voter Integrity Project. To arrive at this number, the group used a methodology where they called 1,500 voters and asked if they had received a ballot without requesting it, something that would be illegal although not specifically indicative of fraudulent voting. The number of affirmative answers were then extrapolated out to 289,866 voters statewide receiving these ballots which are defined as "illegal ballots." The repeated use of the terminology "illegal ballots" is misleading and causes significant confusion as it implies fraudulent votes or votes received that do not come from legitimate sources or should not be counted. However, while it may not be lawful to send ballots without first receiving an application, voting this ballot is not an illegal action by a lawful voter and it is not indicative of fraudulent or illicit behavior of the voter nor of an illegitimate vote.

The Committee called forty individuals from this list at random. Only two individuals reported having received an absentee ballot without making a proper request. One of the two individuals is labeled as a permanent, absentee voter within the state's QVF file, indicating that they had, at some point, requested to be placed on that list. The other individual voted via an absentee ballot in the August primary election, and it is possible they checked the box to vote absentee in the subsequent election and simply forgot they had chosen this option. Throughout discussions with these individuals, as well as others who claimed they had received an unsolicited ballot, it became clear that many equated receiving an absentee ballot application with receiving an absentee ballot. These are separate steps in the absentee voting process, with receiving an absentee ballot requiring that an application be completed and submitted by the voter. **There was no evidence presented to the Committee indicating that hundreds of thousands of absentee voter ballots were mailed to Michigan voters without previously being requested.**

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Further inquiry conducted by the chair and committee members with county and local clerks confirmed how difficult it would be for a citizen to attempt to fraudulently utilize the ballot of another, if the stolen application addressee voted at their actual, present location in Michigan. While the act of obtaining and submitting the ballot of another individual is not impossible, committing voter fraud in this manner undetected is unlikely, as the Qualified Voter File would immediately have a notation of the vote for the voter and the second attempt to request a ballot or to vote would not be allowed without investigation and explanation. Whether the real voter or the fraudulent

The Committee concludes this demonstrates a clear vulnerability for fraud that may be undetected, if the actual voter does not vote at all. If the actual voter does vote, it will create turmoil and draw attention from state and local officials. However, the lack of any such incidents or turmoil in the November 2020 election creates a clear probability that no such efforts were committed to any significant extent. The chance of encountering the attempted double vote scenario is so statistically unlikely as to make impossible even a small effort to do so.

Additionally, the mailing of unsolicited applications allows for two other related vulnerabilities. Applications sent to the former Michigan addresses of those moved out of state and applications sent to the new addresses of former Michigan citizens now registered to vote in another state constitute a real and virtually undetectable potential for fraudulent activity. The Chair's research into this topic, as well as a review of testimony provided by the secretary of state's director of elections to the Senate Elections Committee in October 2020, make it clear that there is essentially no mechanism in place to prevent counting votes from those who may be also registered and vote in another state, whether done by themselves or the recipient of an application at their former Michigan address. As there are no efficient or established procedures to confirm or detect this, it is not possible for the Committee to report on any occurrences or to have confidence no such actions occurred. However, with mass mailings of absentee ballot applications being mailed across state lines to many who no longer reside or vote in Michigan and to thousands of former addresses in Michigan, the situation must be addressed to ensure that those individuals are voting only once in an election, are doing so only in the state of their residence, and that no one is impersonating them at their old address.

The serious, potential outcomes of these vulnerabilities versus the minor effort to request an application make a strong and compelling necessity to not provide such applications without a request from a voter - as was standard practice until this past year. **Therefore, the Committee recommends the Michigan secretary of state discontinue the practice of mailing out unsolicited applications. The Committee also recommends only the current QVF being utilized by the state or locals when making mailings to registered voters of any nature.**

There were several reports of nursing home bound parents or other family members with dementia having a record of voting. **While the Committee was unable to reach any conclusions regarding the extent of such claims, additional training and clear instructions to caretakers or facility staff ought to be provided in such circumstances to clarify how and when such voting assistance is appropriate. The Committee also recommends pre-filled out applications from any source be disallowed as well.**

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3. 3rd Party/Private Funds Used for Public Election Activities and Equipment

A summary of the work and findings on this issue is not finalized at this time and may be amended to this report at a later date.

4. Rights and Duties of Poll Challengers/Watchers Improperly or Unlawfully Restricted

The Committee received claims that challengers from the Republican party were discriminated against and removed from polling locations without cause. There were also claims that challengers were not allowed to return to counting rooms and were supposed to sign in and out of the room but had not received that instruction. They were frequently required to stand six feet or more away from tables and workers in the normal exercise of their duties, despite a court settlement that ensured their right to monitor election procedures, within six feet when necessary. The Committee also received testimony that contradicted some of these statements and provided a different viewpoint. Volunteers and workers from both the Republican and Democratic parties made claims of hazing, rudeness, bigotry, racism, and other offensive behavior occurring while election activities were still underway. Several of the issues, such as the management of the official record of challengers allowed in or out, may have been simply driven by the situation with COVID-19 and will not be relevant again. Reports were heard of calls to citizens, ostensibly made by Republicans, informing them to come and vote on Wednesday rather than Tuesday. While many accusations will remain just that, one thing is perfectly clear: the rights and duties of poll watchers and challengers must be better understood and reinforced in their respective training and must be protected equally by election officials. This is an area in need of much reform and greater clarification in election law.

Additionally, there is significant evidence that the recruitment of Republican poll workers for Wayne County encountered significant obstacles. Many witnesses testified to volunteering but not hearing back from the county or being told there were already enough workers. Others testified to a particular moment at the TCF Center when workers were surveyed for party affiliation and only a few there raised their hands as Republicans. The Committee understands the logistics of recruiting Republicans for Wayne County and the city of Detroit can be difficult but finds the repeated reports of volunteers not being accepted or not having their emails returned troubling. Obtaining the proper ratios of partisan workers is of critical importance, especially ones from the local area.

The Committee encourages the Wayne County Republican Party and officials in the county and city clerks' offices to work together to obtain the correct number of workers for each election. Further, the Committee asks the Bureau of Elections to investigate and provide to the Committee an evaluation of partisan poll worker recruitment in Wayne County and the city of Detroit.

These issues were clearly reflected in the activities that occurred at the absentee counting board at the TCF Center. At one point, an audio recording was released of an apparent election training session in the city of Detroit where workers were instructed to maintain six feet between challengers and poll workers, due to COVID-19 precautions. Prior to the election, a court settlement ensured poll challengers could monitor election activities within six feet when necessary. After the settlement, clerk staff, like other election staff across the state, were to be informed of the ruling and how it would affect their activities on Election Day. Testimony was received by the Committee indicating that the settlement, which was reached after many workers completed their training, was not well known among the workers at the TCF Center. It is easy to see how

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this led to significant confusion and conflict, particularly as many workers had genuine fear and concern over their proximity to persons during the pandemic.

Contributing to the confusion and hostility of poll watchers and challengers was the differing opinions regarding the actual rights and duties of those individuals. These conflicts were only amplified by the partisan and ideological nature of the volunteers, despite some not affiliating with a political party. Multiple days of testimony from Republicans and Democrats made it clear that Republican challengers were committed to ensuring that challenges were issued and recorded when information was presented to indicate a voter was not, or may not be, eligible. Representatives of Michigan Democrats, however, indicated in testimony before the Committee that their specific training regarding the duties and obligations of challengers is to not ever challenge any ballots. While it was clear they recognized the legal reasons for challenging, they also called the law “archaic” and affirmed they train their challengers to not issue any challenges. They believe their obligation is to assure no vote is disqualified. One Democrat official even noted their reason for being there was to keep an eye on Republicans, not to challenge ballots. This significant difference of opinion and action contributed to some of the misunderstandings and tensions that occurred at the TCF Center, as each partisan observed the other failing to comprehend their duties or felt their duty was specifically to confront the other side.

The concern of partisan volunteers cloaked as Independent challengers through non-profit or third-party entities only added to the accusations of an unfair or unbalanced election environment. The Committee heard testimony and saw evidence that independent observers and challengers were frequently operating for one of the two major parties making their labels as Independents confusing and unhelpful.

It is apparent that the environment at the TCF Center became intolerable and the reactions to it must be understood in this light. While mistakes were clearly made by officials on all sides, it must be acknowledged that many of them were attempting to simply do their job during a time of increasing confusion and distrust. It is impossible for the Committee, or any legal entity, to sort through all the events or persons at fault. However, it appears obvious and reasonable to conclude that confusion, fear, misunderstanding, and even chaos occurred at the TCF Center to varying degrees on Nov. 3 and 4. The environment and those emotions were compounded by a lack of proper recruitment and/or training of election workers on the part of the clerk, as well as a failure of the Republican party to verify recruitment and training, supply an adequate number of election attorneys, and to properly train and counsel some of their volunteers and challengers.

Republican officials, along with some ostensibly Independent challengers, furthered the crisis by putting out the call to other members and citizens to descend on the location to stop what was described and presented as a stealing of the election. The descent into disorder with so many extremely concerned citizens elicited responses from poll workers that seemed necessary to them at the time, such as covering windows, calling police, denying lawful challenges, and removing challengers. Those actions by both sides were not always lawful or wise, and increased the angst and fears of the untrained challengers and observers, as well as the many in the public who did not understand what was shown to them by the media. **Despite these mistakes and, potentially, illegal**

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actions, the Committee found no evidence fraudulent activities were undertaken or that such actions led to irreparable harm to ballots or vote counting. Numerous safeguards, particularly the partisan make up of the election boards themselves, were not lost, despite these actions.

Therefore, the Committee recommends updating the requirements for challengers including the tasks and duties they are to preform, standards of conduct, and party affiliation. Additionally, clerks and parties need to be held to recruiting adequate workers, providing appropriate and uniform training including any recent law updates, and being able to instruct law enforcement in lawful responses to workers or volunteers creating a disturbance in the process of carrying out their duties. Officials need a clear chain of command in place for making decisions and being accountable, particularly if a crisis arises and if one of the leaders has left the premises. Finally, the Wayne County Republican Party and other, independent organizations, ought to issue a repudiation of the actions of certain individuals that created a panic and had untrained and unnumbered persons descend on the TCF Center. Both clerks and the parties need to take seriously their responsibilities of having properly trained and adequate personnel in place and the training ought to be uniform, regardless of party.¹

5. Antrim County

Antrim County became the focal point of multiple theories and concerns surrounding the Nov. 3 election, as the unofficial results reported at the end of the tabulation for the county were later discovered to be in error. The common claim surrounding this mistake was that the votes for Donald Trump were switched with votes for Joe Biden, providing Biden with a win in heavily-Republican Antrim County. However, this claim is inaccurate and was explained before a joint hearing of the Senate and House Oversight Committees in November 2020 by the Antrim County Clerk, Sheryl Guy.

Due to a series of errors made within the county clerk's office, the unofficial votes received from polling places on election night did not transfer into their respective spreadsheet columns correctly. This shifted the vote totals over a column for several races across the ballot. These mistakes began months earlier when several late items were ordered onto the ballot in certain townships. Unfortunately, new logic and accuracy tests were not performed, as required by law. Programming at the clerk's computer was not updated to reflect these changes; however, tabulators in the precincts were updated and had no problems processing ballots on Election Day. Tally sheets printed at the close of polls never reflected the errors reported in the clerk's unofficial results. On the morning of Nov. 4, once it became clear that the unofficial results were inaccurate and did not match the official votes printed by the tabulators, efforts began to discover the cause of the errors. The clerk and her staff made several attempts to re-tabulate and resolve the problem before understanding the cause. This resulted in additional, incorrect vote counts being reported. Once the cause was isolated, ballots were re-tabulated and the correct results, which matched the original tabulator sheets from Nov. 3, were posted. Multiple checks were easily able to rectify the situation and later, **a complete hand recount validated the original, official results as accurate.**

¹ The Department of Attorney General informed the committee on June 15, 2021 that it has been investigating issues related to the events at the TCF Center, per an official request of former Senator and Oversight committee member, Peter Lucido. It indicated a report on findings is forthcoming.

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A prime example of a misrepresentation of facts that then mislead citizens is found on a chart on page two of Allied Security Operations Group's (ASOG) Antrim County Forensic Report. The chart, shown below, and the accompanying information, led citizens to conclude the election results were suspiciously changing for over a month after the election. It also could lead one to believe election officials and the Dominion tabulators were dishonest in their work by not representing the source of the specific numbers shown, even though the information is readily available to the authors of the report. Further, the authors also chose to present only some of the information, leaving out specific data that would evidence something besides a massive conspiracy or computer hack created the problem.

Date	Registered Voters	Total Votes Cast	Biden	Trump	Third Party	Write-In	TOTAL VOTES for President
Nov 3	22,082	16,047	7,769	4,509	145	14	12,423
Nov 5	22,082	18,059	7,289	9,783	255	20	17,327
Nov 21	22,082	16,044	5,960	9,748	241	23	15,949
Dec 17	22,082		5,959	9,759	244	20	15,962

This second chart fills in relevant and critical information about the data and provides additional data points to provide greater context to the observer. This data was available to ASOG and others utilizing the previous chart, yet they chose not to provide the context nor the additional data.

	Date	Registered Voters	Total Votes Cast	Biden	Trump	Third Party	Write-In	TOTAL VOTES for President	Note
1.	Nov. 4	22,082	16,044	5,960	9,748	239	23	15,970	Tabulator tapes-official results (Not reported on election night).
2.	Nov. 4	22,082	16,047	7,769	4,509	145	14	12,437	Clerk's computer-unofficial results (publicly reported).
3.	Nov. 5	22,082	18,059	7,289	9,783	255	20	17,347	First attempt to rectify discrepancy.
4.	Nov. 6	22,082	16,044	5,960	9,748	241	20	15,969	Completion of re-tabulation.
5.	Nov. 16	22,082	16,044	5,960	9,748	241	20	15,969	Official Vote report.
6.	Nov. 21	22,082	16,044	5,960	9,748	241	20	15,969	Canvass/certification
7.	Dec. 17	22,082	16,044	5,959	9,759	244	20	15,982	Hand Recount

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Row one shows the vote totals shown on the tabulator tapes at the close of the election. These numbers are critical as they demonstrate, when coupled with the hand recount, that no tampering or pre-installed, illicit programing ever took place on the tabulators. It also shows that no fraudulent ballots were added to the ballot boxes to cover up such hardware/software malfunctions. The minor changes from the first tabulation to the final canvas and hand recount are well documented by election staff and result from several spoiled ballots that were not able to be processed in subsequent runs and from ballots that could not be electronically processed but could be hand counted.

Row two contains the vote count reported by the Antrim County clerk's office on election night, which was the unofficial vote count. As is detailed in this report, these results were incorrect because the programing to receive the data had not been properly updated after changes were made to the official ballots in certain townships. The result was what amounts to a spreadsheet having its fields improperly aligned with the incoming data. This would have been caught by logic and accuracy tests. The discrepancies with the tabulator tapes should have been discovered before these results were reported.

Row three shows the struggle faced by the clerk's office to determine what went wrong and how to correct it. These results show a series of urgent but mistaken attempts to address the errors that led to double counting of some precincts and absentee ballots. The contemporary poll books and worksheets are clear proof of what was happening, showing handwritten notes and commentary. The records also show who was there trying to figure out how to solve the issue.

Row four shows the vote count after the errors were properly identified and ballots were re-tabulated. Clearwater Township was still experiencing issues and had to be added in by hand. Again, contemporary documents and worksheets are clear proof of the situation and work being done.

Row five is the official vote report filed with the state before the certification.

Row six contains the certified election results. These were certified Nov. 21 by the county board of canvassers. The results are virtually the same as the tabulator slips produced on election night with the discrepancies identified and explained in the minutes of their meetings.

Row seven is the results of the complete hand recount conducted on Dec. 17. When a hand recount is done, ballots that were previously unable to be tabulated electronically are sometimes able to be added. These changes are, again, well documented by the workers' notes made during this process.

The Committee states that the data this chart summarizes, coming from the actual election artifacts in Antrim County, clearly and concisely shows that ideas and speculation that the Antrim County election workers or outside entities manipulated the vote by hand or electronically are indefensible. Further, the Committee is appalled at what can only be deduced as a willful ignorance or avoidance of this proof perpetuated by some leading such speculation.

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There were many groups and persons from around the country that focused their attention on Antrim County as the most central point in their arguments and speculation. The county was mentioned by officials at the White House, in media, at rallies, and in several, substantial online documentaries. The Committee investigated the claims made by some of the more prominent groups and individuals.

The Allied Security Operations Group (ASOG) obtained access to the Antrim County voting tabulators and purported to perform a forensic audit. (ASOG and its co-founder were purveyors of the “fractional vote” and “more votes than registered voters” theories²). ASOG’s audit described stolen computer files, machines designed to provide incorrect results, manipulated software, and cyber-attacks. Utilizing the difference between the unofficial vote count and the final, official count, ASOG claimed the machines were inaccurate 68% of the time. However, ASOG never provided an explanation for how the official vote was accurately obtained on the tabulator slips in the same physical count as the incorrect unofficial results on which they focus. ASOG did not make any attempt to invalidate the claims of the clerk by demonstration. ASOG also claimed a loss of files regarding auto-adjudication, a method of curing absentee voter ballots that Antrim County does not utilize as further evidence of fraudulent activity. ASOG claimed the machines had “ranked-choice” balloting turned on when this is not possible on Michigan machines. Other entities (CyberNinjas and Halderman) showed this claim was untrue. ASOG ignored that the simple and most effective way to verify the results is to simply count all ballots by hand. Even after a hand recount verified the results in Antrim County, ASOG refused to retract its assertions.

Attorney Matthew DePerno was retained by an Antrim County resident to pursue legal action against the county and the state regarding the results of the election. Mr. DePerno has subsequently released various reports, videos, and statements regarding the election results, presenting the ASOG report, as well as work by Dr. Douglas Frank and Jeff Lenberg, as primary pieces of evidence. The Committee closely followed Mr. DePerno’s efforts and can confidently conclude they are demonstrably false and based on misleading information and illogical conclusions. In one recent video, Mr. Lenberg demonstrated how a hacked machine will incorrectly count ballots (reporting it on the official results printout) and how a hacked computer will show inaccurate results. However, neither of these demonstrations shows the explanation given by the clerk is untrue, nor do they explain how the actual official results sheet *did not* match the inaccurate unofficial results. Most critically, it does not explain how the hand recount verified the official results reported by the tabulators on election night. They simply proved hacked machinery will perform incorrectly. This is not evidence machines were hacked, and it is certainly not evidence that machines that performed correctly were hacked.

Further, the insinuations made depend on the tabulators being hacked *after* the logic and accuracy tests. Mr. DePerno, and others, insisted this was possible because the Dominion machines in Antrim County have modems or wireless chips installed. However, this is indisputably false. Antrim County did not utilize modems or any internet or wireless network to transmit voting results *ever*. This incredibly conclusive fact, along with the hand recount of the ballots, serve as the irrefutable bulwarks against all allegations. The cited proof of modems is from a quote for purchasing received by the county from Dominion, not an actual purchase receipt or physical sighting of any modems.

² The “more votes than voters” theory, repeated by President Trump’s attorney, Rudolph Giuliani, was based on an affidavit from the ASOG co-founder that cites several Michigan counties where there were allegedly more votes than registered voters. However, the affidavit cited several townships in Minnesota, not Michigan. Even if the document referenced the right state, the claims regarding the Minnesota townships still were not accurate, according to data from the Minnesota Secretary of State.

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Mr. DePerno's lawsuit, Exhibit 6, highlighted by former state Sen. Patrick Colbeck in a web post dated April 9, 2021 and entitled "Modem Chips Embedded in Voting System Computer Motherboards," feature a voting machine that is not used by Antrim County. Yet the suit draws the connection that the existence of such a machine, one that is not in Antrim County and not manufactured by Dominion at all, is evidence that the Dominion tabulators in Antrim County have the same technology. Committee members and others have been frequently approached by constituents who have been convinced that this is true of the Antrim County machines and all Dominion machines in general.

On June 11, internet and social media sources proclaimed the newest announcement from Mr. DePerno about Antrim County. However, the information provided appeared to be already available, but simply presented in a different light. The first allegation related to evidence of the clerk's Election Management System (EMS), a software package installed on her computer to manage the election. This is the same program that incorrectly reported the results on election night because it had not been properly updated with the late changes to ballots from certain precincts. **EMS is not connected to the tabulators.** The allegations focused on how the clerk's computer and the program were remotely accessed in the days following the election. This should not surprise anyone as the clerk, secretary of state, and the software company sought to determine what went wrong and how to fix it. At no time would this connection or activity have had an impact on the tabulators. More relevant, it could not have changed the tabulator slips, shown in the second chart, line one.

The June 11 video from Mr. DePerno also included what he concluded was dramatic evidence about specially made ballots, sent to Republican areas, that would more frequently fail in the tabulators. He then said such ballots would be sent to adjudication, where someone could determine them as Biden votes, even if they were not. This pronouncement is simply more blatherskite. Adjudication takes place with both Democrat and Republican workers, observers, and challengers present (Antrim County had no concerning or reported issues related to their challengers). Also, Antrim County did not have a high incidence of adjudicated ballots. Most important is the now repeated point of lines one and seven on the second chart above: the original tabulator slips and the hand recount match with only a few documented and easily explained ballot differences, dispelling any legitimacy to speculation of massive vote stealing by human or computer means.

The Committee finds such actions to be misleading and irresponsible, diminishing the overall credibility of those asserting this conclusion.

Dr. Frank has also worked independently of Mr. DePerno, appearing in various other reports and programming. He claimed his findings of patterns in voting demographics and results, along with disparities between census, registration, and ballot totals in given areas were conclusive evidence of a complex computer hack and conspiracy to manipulate vote counts around the nation. This theory, like Dr. Shiva's, alleged the installed "algorithm" switches or steals votes just enough to succeed while not being enough to raise suspicions. However, Dr. Frank's conclusions are not sound for several reasons. Census data is not recent, and people do not only move away (as he frequently contends) but others do move into an area. Coupled with same day registration,

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the notable red flags he spotted in the data are easily explained, e.g. young people do not vote as readily as older citizens, people's movements create disparities between registrations and the census, etc. The patterns he sees are not unexpected or unusual to elections or human behavior in general. His theories depend on the ability to hack into the tabulators before or during and/or at the end of the election. Many of the counties he and others identified as having been hacked do not even have modems or make any online connection to submit results. Those that do, do not connect the modem, which is physically separate from the Dominion tabulator, until *after* the polls are closed and the tabulators have printed the official results.

Events in Antrim County sparked a significant amount of concern about the technology used to count ballots. This concern led to much speculation, assumptions, misinformation, and in some cases, outright lies meant to create doubt and confusion. The many hours of testimony before the Committee showed these claims are unjustified and unfair to the people of Antrim County and the state of Michigan. It has also been unfair to people across America. The simple answer to all of this remains the most reasonable conclusion: human error and lack of training are the factors that contributed to inaccurate unofficial vote counts. These errors were quickly discovered and rectified by the protective and redundant systems our state has built to verify and protect election integrity, *including re-countable, paper ballots*. Even more significantly, the official vote count was never in doubt and was validated several times, including during a complete, hand recount.

While extremely disappointed and frustrated with the obvious avoidable errors, the Committee commends the efforts of the Antrim County clerk, staff, and many volunteers that corrected these errors and gave their time for the canvass and hand recount. The Committee also recommends legislation strengthening the law regarding the conducting of logic and accuracy tests prior to the election, including penalties for failing to do so. The Committee recommends the attorney general consider investigating those who have been utilizing misleading and false information about Antrim County to raise money or publicity for their own ends. The Committee finds those promoting Antrim County as the prime evidence of a nationwide conspiracy to steal the election place all other statements and actions they make in a position of zero credibility.

6. Operating Issues with Tabulators and Precinct Computers

Speculation and theories of fraud in the election appear most prevalent in the areas concerning voting tabulators, computers, software, hardware, and cybersecurity. In the testimony and information reviewed by the Committee, claims ranged from something as simple as "spikes" in the vote count that exceeded the physical capacity of the tabulators to machines that were simply inaccurate. However, more complex claims also emerged, claiming that tabulators were intentionally designed to manipulate the tally through fractional voting or swapping by hand, through software, or by cyber attacks that based their manipulation on the votes necessary to overcome candidate Joe Biden's early deficit to President Trump.

Dominion Voting Systems, Election Systems & Software (ES&S), Hart InterCivic

Michigan utilizes tabulators and election services provided through three different vendors, with the individual counties determining which vendor to use. All vendors must meet the specifications of the state's election laws which requires vendors to meet guidelines provided by the United

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States Election Assistance Commission (EAC). The EAC has rigorous standards regarding construction, material and code sourcing, reviews, and independent auditing conducted by certified third parties.

The Committee interviewed, under oath, the CEO of Dominion Voting Systems and the vice president of systems security & chief information security officer from ES&S. Hart InterCivic submitted written testimony. Despite many public denunciations of their collective testimony as inaccurate, no individual has provided any evidence to the Committee of such perjury or has filed any action in a court of law asserting such.

Mr. John Polous, Dominion CEO, denied multiple rumors regarding the company and provided references to verify his testimony that the company was not involved in elections in Venezuela and had no connection to Hugo Chavez, Nancy Pelosi, Diane Feinstein, or George Soros. He also denied the existence of Dominion servers in Spain and Germany, emphasizing that ballots remain local, are counted locally, and are not moved over state lines, let alone overseas.

Mr. Polous explained in detail how the operations of the Dominion machines are not compatible with the various theories being promoted, and that any of the accusations regarding counting ballots multiple times or scanning surplus ballots would easily be uncovered due to the poll books being unbalanced. Further, ballots that required auto-adjudication or duplication are accounted for in the poll books and create a computer log that is checked to prevent or detect double counts. Damaged ballots that require duplication are logged and could not be accidentally tabulated due to the damage that required the duplication.

Fractional Voting

The early allegation of fractional voting was supported by a few photographs which appeared to be screen shots from computer screens running the Dominion software. The chair specifically called for this information during public testimony as its existence would have been a profound demonstration of proof. However, despite numerous, repeated requests from the chair and assurances from those making the allegation, no proof, whether by demonstration or verifiable citation, was ever offered to or obtained by the Committee.

Internet Connections

Many observers insisted the vote tabulators at the TCF Center were connected to the internet. Chris Thomas, who served as the senior elections advisor for the city of Detroit, has asserted that this is simply not true. Other individuals who were at the TCF Center, such as former state Sen. Patrick Colbeck, insist that they were. It is true that every tabulator was connected to a local area network (LAN), which would create the same icon on a computer screen indicating a network connection as is shown by an internet accessible network. This may be a source of some of the confusion. Computers at the central control center, which were not connected to each precinct's LAN, were connected to a network that was connected to the internet, which may have also contributed to the confusion. Regardless, no evidence has been offered that the tabulators were connected beyond each LAN, and, in fact, the results from the tabulators at the TCF Center were transmitted to the clerk's office via flash drives, not electronic or cellular connection. Furthermore,